

### **REJECTIONS OF CLAIMS 1-3 UNDER §102**

The Examiner has rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by the Kaufman reference (AT 403,213 B). The Applicant has cancelled Claims 1-2 and has amended Claim 3 to depend on Claim 4.

### **REJECTIONS OF CLAIM 4 UNDER §103**

The Examiner has rejected Claim 4 under 35 U.S.C. §103 as being obvious in light of the Campbell reference (US 20030015024) and the Colman reference (US 2,526,636). In paragraph 8, the Examiner states that the Campbell reference discloses a moisture sensor having a first circuit board platform with conductive traces and the Colman reference teaches a moisture sensor having electrodes that are wrapped in a porous member. Further, the Examiner states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a porous member, as taught by Colman, modifying the moisture sensor disclosed by Campbell et al., thus establishing moisture equilibrium conditions in which the electrodes are embedded." The Applicant asserts that the Examiner has not established a prima facie case because the Campbell reference does not provide any motivation to combine the references and, in fact, it provides a strong motivation not to combine the references. Nevertheless, for clarity reasons, the Applicant has amended Claim 4.

As amended, Claim 4 recites "a porous member formed with a cavity, wherein the conductive traces are located within the cavity and the porous member is arranged to facilitate moisture transfer from the soil to the conductive traces." The Colman reference discloses a porous material used to "separate the electrodes between which the resistance is measured." None of the references, including the Colman reference, disclose conductive traces (or electrodes, for that matter) located in the *same* cavity. For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under §103.

### **REJECTIONS OF CLAIM 5 UNDER §103**

The Examiner has rejected Claim 5 under 35 U.S.C. §103 as being obvious in light of the Campbell reference (US 20030015024) and the Colman reference (US 2,526,636). In paragraph 8, the Examiner states that “it is well with the design choice of one having ordinary skill to mount the porous member in any fashion, since applicant has not disclosed that defining an anchor on the first platform solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any type of mounting scheme.” Although the Applicant disagrees with the Examiner, the Applicant has amended Claim 5.

As amended, Claim 5 recites “wherein the circuit board defines an anchor cavity; and wherein the porous member is formed around the circuit board and through the anchor cavity thereby interlocking the circuit board and the porous member. None of the references, including the Colman reference, disclose a porous member *interlocked* with a platform or circuit board. For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under §103.

### **REJECTIONS OF CLAIM 8 UNDER §102**

The Examiner has rejected Claim 8 under 35 U.S.C. §102(b) as being anticipated by the Kaufman reference and as being anticipated by the Campbell reference. The Applicant has amended Claim 8.

As amended, Claim 8 recites “a first circuit board; conductive traces disposed on the first circuit board; a second circuit board; and a processor disposed on the second circuit board....” None of the references, including the Kaufman and the Campbell reference, disclose a first circuit board with conductive traces and a second circuit board with a processor. This arrangement allows for increased economies of scale when providing a first series of shaft units, a second series of shaft units, and a universal series of base units (as originally claimed in method claim format in Claims 16-17). For these reasons, the Applicant

respectfully requests that the Examiner reconsider and withdraw this rejection under §102.

### **REJECTIONS OF CLAIMS 9-10**

The Examiner has rejected Claims 9-10. Because these claims depend on Claim 8, which the Applicant believes is allowable, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections.

### **CONCLUSION**

In view of the preceding amendments and remarks, the Applicant respectfully submits that the specification and drawings are in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contacts the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

Date: 11 APR 2005

By: \_\_\_\_\_

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